

**PHARMACY EXAMINING BOARD
MEETING MINUTES
NOVEMBER 18, 2015**

PRESENT: Franklin LaDien, Terry Maves, Thaddeus Schumacher, Kristi Sullivan, Philip Trapskin, Cathy Winters (*via GoToMeeting, joined the meeting at 11:38 a.m.*)

STAFF: Dan Williams – Executive Director, Nilajah Hardin – Bureau Assistant, Sharon Henes – Administrative Rules Coordinator, and other Department staff

CALL TO ORDER

Thaddeus Schumacher, Chair, called the meeting to order at 11:07 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Kristi Sullivan moved, seconded by Terry Maves, to adopt the agenda as published. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE 15-081 RELATING TO RENEWAL AND REINSTATEMENT

Review and Respond to Clearinghouse Report and Public Hearing Comments

MOTION: Franklin LaDien moved, seconded by Kristi Sullivan, to reject Clearinghouse comment number(s) 5(b) and to accept all remaining Clearinghouse comments for Clearinghouse Rule 15-064 relating to definitions and controlled substances. Motion carried unanimously.

MOTION: Terry Maves moved, seconded by Kristi Sullivan, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 15-81 relating to Renewal and Reinstatement for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Phar 2, 4 Relating to Applications and Examinations

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to authorize the Chair to approve the preliminary rule draft of Phar 2, 4 relating to Applications and Examinations for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Cathy Winters joined the meeting at 11:38 a.m.

APPROVAL OF MINUTES OF SEPTEMBER 23, 2015

MOTION: Philip Trapskin moved, seconded by Terry Maves, to approve the minutes of September 23, 2015 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

MOTION: Franklin LaDien moved, seconded by Kristi Sullivan, to direct the Chair to draft and send a letter of appreciation to Charlotte Rasmussen for her years of service to the Pharmacy Examining Board. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATIONS REQUEST(S)

2016 PSW Legislative Day – February 11, 2016

MOTION: Cathy Winters moved, seconded by Terry Maves, to designate Franklin LaDien and Thaddeus Schumacher to present at the 2016 PSW Legislative on February 11, 2016 in Madison, WI and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Kristi Sullivan moved, seconded by Terry Maves, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Thaddeus Schumacher, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Franklin LaDien –yes; Terry Maves-yes; Thaddeus Schumacher-yes; Kristi Sullivan- yes; Philip Trapskin-yes; Cathy Winters-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:55 p.m.

At this time, all external communication contacts will be terminated for purposes of going into Closed session.

RECONVENE TO OPEN SESSION

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:00 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Philip Trapskin moved, seconded by Kristi Sullivan, to affirm all motions made in closed session. Motion carried unanimously.

PROPOSED FINAL DECISION AND ORDER

Marvin Moore, R.Ph., Respondent (DHA Case # SPS-15-0026)(DLSC Case # 12 PHM 035)

MOTION: Cathy Winters moved, seconded by Franklin LaDien, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Marvin Moore, R.Ph., Respondent – DHA case number SPS-15-0026/DLSC case number 12 PHM 035 with the following variance: The Respondent shall pay 75 percent costs. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

MOTION: Cathy Winters moved, seconded by Philip Trapskin, to close the DLSC cases for the reasons outlined below:

1. 12 PHM 071 (G.B.) – Prosecutorial Discretion (P2)
2. 12 PHM 071 (W.I.P.) – Prosecutorial Discretion (P2)
3. 15 PHM 029 (J.A.) – No Violation
4. 15 PHM 045 (M.A.P.S.) – Prosecutorial Discretion (P5-Flag)
5. 15 PHM 086 (E.P.) – Prosecutorial Discretion (P2)
6. 15 PHM 090 (G.V.P.L.M.) – Prosecutorial Discretion (P2)
7. 15 PHM 106 (H.P. #1) – Prosecutorial Discretion (P2)
8. 15 PHM 106 (P.K.) – Prosecutorial Discretion (P2)
9. 15 PHM 107 (A.H.) – Prosecutorial Discretion (P2)
10. 15 PHM 107 (H.P. #3) – Prosecutorial Discretion (P2)
11. 15 PHM 136 (E.P.) – Prosecutorial Discretion (P2)
12. 15 PHM 137 (C.C.P.) – Prosecutorial Discretion (P2)
13. 15 PHM 138 (N.I.) – No Violation
14. 15 PHM 139 (B.P.) – Prosecutorial Discretion (P2)
15. 15 PHM 141 (H.I.V.C.) – Prosecutorial Discretion (P2)
16. 15 PHM 142 (P.P.) – Prosecutorial Discretion (P2)
17. 15 PHM 143 (P.P.) – No Violation
18. 15 PHM 145 (M.P.I.) – Prosecutorial Discretion (P2)
19. 15 PHM 146 (S.M.) – Prosecutorial Discretion (P2)
20. 15 PHM 147 (W.S.P. #12314) – No Violation
21. 15 PHM 148 (W.S.P. #15438) – No Violation
22. 15 PHM 150 (M.P.) – Prosecutorial Discretion (P2)
23. 15 PHM 152 (P.P.S.) – Prosecutorial Discretion (P2)
24. 15 PHM 160 (C.P.) – Prosecutorial Discretion (P3)

Motion carried unanimously.

14 PHM 005

MOTION: Terry Maves moved, seconded by Franklin LaDien, to close DLSC case number 14 PHM 005, against E.S., for Insufficient Evidence. Motion carried unanimously.

14 PHM 006

MOTION: Terry Maves moved, seconded by Franklin LaDien, to close DLSC case number 14 PHM 006, against C.C, for Insufficient. Motion carried unanimously.

Monitoring

Robin Block, R. Ph. – Requesting Modifications

MOTION: Philip Trapskin moved, seconded by Franklin LaDien, to grant the request of Robin Block, R.Ph. for a reduction in drug screens to 36 per year and one annual hair test. The Board denies the request of Robin Block, R.Ph. for PIC hours, a reduction in therapy, and a reduction in self-reporting. **Reason for Denial:** Insufficient time under the Order (04/10/2014). The respondent needs to work as a Pharmacist in a dispensing setting before the Board will consider amending any other requirements. Motion carried unanimously.

Jay Bubrick, R. Ph. – Requesting Modifications

MOTION: Philip Trapskin moved, seconded by Cathy Winters, to deny the request of Jay Bubrick, R.Ph. for PIC hours, a reduction in drug screens, elimination of the AA/NA attendance requirements, and allowing the consumption of alcohol. **Reason for Denial:** Per the Board Order (07/17/2013) the respondent may only petition the Board on an annual basis. Future petitions for PIC hours shall include evidence of current employment as a Pharmacist. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

14 PHM 144 – T.C.W.

MOTION: Kristi Sullivan moved, seconded by Philip Trapskin, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Thomas C. Wilke, R.Ph., DLSC case number 14 PHM 144. Motion carried unanimously.

ADJOURNMENT

MOTION: Kristi Sullivan moved, seconded by Franklin LaDien, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:03 p.m.